

**REMARKS**

Claims 3-9 and 11-13 were allowed and the application was ready for allowance. However, upon further reconsideration claims 3-9 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The office action objects to language that recites an apparatus “coupled” to data such as a matrix, a lexicon or a chart. The present amendment overcomes this rejection by replacing the term “coupled” with “having access.” It is noted that the term “access” is explicitly used in the original application with respect to “lexicon” at paragraphs 15 and 59 [paragraphs 22 and 108 in the published application respectfully]. This relationship is shown by a double-arrowed line in Fig. 21 illustrating a tester having access to the lexicon. A similar relationship is shown in Fig. 21 with respect to the chart and in Fig. 20 with respect to the startpoint probability matrix and the endpoint probability matrix. Applicant respectfully submits that the present amendment overcomes the rejection under §112 and puts the present application in condition for allowance. Applicant submits that a notice of allowance should issue forthwith.

Respectfully submitted,

/Robert M. Asher, #30,445/  
Robert M. Asher  
Reg. No. 30,445  
Bromberg & Sunstein LLP  
125 Summer Street, 11<sup>th</sup> Floor  
Boston, MA 02110-1618  
(617) 443-9292  
Attorney for Applicant